

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NORTH DAKOTA**

| | | |
|---|---|----------------------------|
| In re: |) | Bky. Case No. 22-30249 |
| |) | Chapter 7 |
| Sharon L. Anton, |) | |
| |) | NOTICE AND MOTION |
| Debtor. |) | FOR APPROVAL OF |
| <hr style="width: 30%; margin-left: 0;"/> |) | CARVE-OUT AGREEMENT |

Gene W. Doeling, the bankruptcy trustee in this case, respectfully requests that the Court approve a Carve-Out Agreement entered into with Bravera Wealth, f/k/a American Trust Center, as personal representative of the Estate of Antonia Anton (hereafter referred to as “Estate of Antonia Anton”), dated December 5, 2022. The Agreement, in essential part, provides as follows:

The Estate of Antonia Anton obtained a money judgment against the debtor in the amount of \$361,028.27 and was docketed in Stark County on January 31, 2022.

The debtor has an undivided one-half ownership interest in real estate located in Stark County legally described as:

Township 140 North, Range 97 West

Section 24: NE¹/₄

Section 24: NW¹/₄

The debtor’s sister Lorraine Faulhaber is trustee of the Antonia Anton land trust, which owns the other undivided one-half interest in the real estate.

The Estate of Antonia Anton’s judgment which was docketed in Stark County on January 31, 2022, created a judicial lien against the debtor Sharon Anton’s one-half interest in both parcels of real estate.

There are no other liens or mortgages against this real property.

The bankruptcy estate is seeking to sell the bankruptcy estate’s one-half interest in this real estate.

The trustee of the Antonia Anton land trust and the bankruptcy estate have agreed to a partition of the real property.

Through the settlement of the partition action, the bankruptcy estate will receive the Northeast Quarter (NE¹/₄) of Section 24, Township 140 N., Range 97 W., and the Antonia Anton land trust will receive the Northwest Quarter (NW¹/₄) of Section 24, Township 140 N., Range 97 W.

The Estate of Antonia Anton agrees that it will release its judgment lien from the Northwest

Quarter (NW¹/₄) of Section 24, Township 140 N., Range 97 W., and will retain its judgment lien against the Northeast Quarter (NE¹/₄) of Section 24, Township 140 N., Range 97 W., which will be sold and administered by the bankruptcy estate.

The Estate of Antonia Anton and the bankruptcy estate agree that the bankruptcy estate shall receive a carve-out of 15% of the net funds received from the sale of the real estate, free and clear of the Estate of Antonia Anton's judgment lien. The Estate of Antonia Anton's judgment lien shall attach to the other 85% of the net proceeds, and shall receive those funds up to the amount necessary to satisfy the judgment lien. Net proceeds are defined as gross sale proceeds less costs of sale, taxes, or miscellaneous expenses required to pass clear title of the real estate to a buyer.

A copy of the Carve-Out Agreement may be obtained by contacting the bankruptcy trustee. The bankruptcy estate will not incur a tax consequence as a result of this transaction.

NOTICE OF MOTION: Your rights may be affected in this action. You should read these papers carefully and discuss the matters with your attorney if you have one. Any objections to this motion must be made within 21 days of this date with an original filed with the Clerk of Bankruptcy Court and copies served upon the Bankruptcy Trustee and United States Trustee at the addresses stated below. Failure to timely respond to this motion will be deemed a waiver of any objections and the Court will grant such relief as it deems appropriate.

Clerk, U.S. Bankruptcy Court
Quentin N. Burdick U.S. Courthouse
655 First Ave. N. – Suite 210
Fargo, ND 58107-4932

United States Trustee
300 S. 4th Street
Suite 1015
Minneapolis, MN 55415

Trustee
(See
address
below)

DATED: December 5, 2022

/s/ Gene W. Doeling
Bankruptcy Trustee
P.O. Box 9231
Fargo, ND 58106
(701) 232-8757

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NORTH DAKOTA

IN RE:
SHARON L ANTON

CASE NO: 22-30249

**DECLARATION OF MAILING
CERTIFICATE OF SERVICE**

Chapter: 7

On 12/5/2022, I did cause a copy of the following documents, described below,
Notice and Motion for Approval of Carve-Out Agreement

to be served for delivery by the United States Postal Service, via First Class United States Mail, postage prepaid, with sufficient postage thereon to the parties listed on the mailing list exhibit, a copy of which is attached hereto and incorporated as if fully set forth herein.

I caused these documents to be served by utilizing the services of BK Attorney Services, LLC d/b/a certificateofservice.com, an Approved Bankruptcy Notice Provider authorized by the United States Courts Administrative Office, pursuant to Fed.R.Bankr.P. 9001(9) and 2002(g)(4). A copy of the declaration of service is attached hereto and incorporated as if fully set forth herein.

Parties who are participants in the Courts Electronic Noticing System ("NEF"), if any, were denoted as having been served electronically with the documents described herein per the ECF/PACER system.

DATED: 12/5/2022

/s/ Gene W. Doeling
Gene W. Doeling 05078
Bankruptcy Trustee
Kaler Doeling, PLLP
3429 Interstate Blvd. S.
Fargo, ND 58103
701 232 8757
heather@kaler-doeling.com

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NORTH DAKOTA

IN RE:
SHARON L ANTON

CASE NO: 22-30249

**CERTIFICATE OF SERVICE
DECLARATION OF MAILING**

Chapter: 7

On 12/5/2022, a copy of the following documents, described below,
Notice and Motion for Approval of Carve-Out Agreement

were deposited for delivery by the United States Postal Service, via First Class United States Mail, postage prepaid, with sufficient postage thereon to the parties listed on the mailing list exhibit, a copy of which is attached hereto and incorporated as if fully set forth herein.

The undersigned does hereby declare under penalty of perjury of the laws of the United States that I have served the above referenced document(s) on the mailing list attached hereto in the manner shown and prepared the Declaration of Certificate of Service and that it is true and correct to the best of my knowledge, information, and belief.

DATED: 12/5/2022



Jay S. Jump
BK Attorney Services, LLC
d/b/a certificateofservice.com, for
Gene W. Doeling
Kaler Doeling, PLLP
3429 Interstate Blvd. S.
Fargo, ND 58103

CASE INFO

LABEL MATRIX FOR LOCAL NOTICING
NCRS ADDRESS DOWNLOAD
CASE 22-30249
DISTRICT OF NORTH DAKOTA
MON DEC 5 9-16-52 PST 2022

(P)ATLAS ACQUISITIONS LCC
492C CEDAR LANE SUITE 442
TEANECK NJ 07666-1713

~~EXCLUDE~~

~~US BANKRUPTCY COURT
655 1ST AVENUE NORTH SUITE 210
FARGO ND 58102-4932~~

~~EXCLUDE~~

~~(P) (P)ATLAS ACQUISITIONS LCC
492C CEDAR LANE SUITE 442
TEANECK NJ 07666-1713~~

BERGER ELECTRIC INC
265 21ST STREET E
DICKINSON ND 58601-3256

CAPITAL ONE
PO BOX 60599
CITY OF INDUSTRY CA 91716-0599

COMENITY BANK
VICTORIAS SECRET
PO BOX 659728
SAN ANTONIO TX 78265-9728

CREDIT ONE BANK NA
PO BOX 60500
CITY OF INDUSTRY CA 91716-0500

DANIEL J FRISK
SCHWAB THOMPSON FRISK
820 34TH AVENUE EAST STE 200
WEST FARGO ND 58078-7991

DANIEL J FRISK
SCHWAB THOMPSON FRISK
820 34TH AVE E STE 200
WEST FARGO ND 58078-7991

EBELTOFT SICKLER LAWYERS PLLC
2272 EIGHTH ST W
DICKINSON ND 58601-8590

ESTATE OF ANTONIA ANTON
BRAVERA BANK PERSONAL REPRESENTATIVE
2272 8TH STREET WEST
DICKINSON ND 58601-8590

MIDLAND CREDIT MANAGEMENT
350 CAMINO DE LA REINA
SUITE 100
SAN DIEGO CA 92108-3007

MIDLAND CREDIT MANAGEMENT INC
PO BOX 2037
WARREN MI 48090-2037

(P)PORTFOLIO RECOVERY ASSOCIATES LLC
PO BOX 41067
NORFOLK VA 23541-1067

QUANTUM3 GROUP LLC AS AGENT FOR
SADINO FUNDING LLC
PO BOX 788
KIRKLAND WA 98083-0788

SCOTT T SOLEM
PO BOX 249
BEULAH ND 58523-0249

SOLEM LAW OFFICE
PO BOX 249
BEULAH ND 58523-0249

STARK COUNTY DISTRICT COURT
51 3RD STREET E
DICKINSON ND 58601-5254

STARK COUNTY SHERIFF
66 MUSEUM DR W
DICKINSON ND 58601-3864

~~EXCLUDE~~

~~THOMAS F MURTHA IV
MURTHA LAW OFFICE
PO BOX 1111
DICKINSON ND 58602-1111~~

UHG I LLC
CO ATLAS ACQUISITIONS LLC
492C CEDAR LANE STE 442
TEANECK NJ 07666-1713

DAN FRISK
SCHWAB THOMPSON FRISK
820 34TH AVENUE EAST SUITE 200
WEST FARGO ND 58078-7991

DARREL D HORAB
HORAB WENTZ
PO BOX 1021
FARGO ND 58107-1021

~~EXCLUDE~~

~~GENE W DOELING
BANKRUPTCY TRUSTEE
3429 INTERSTATE BLVD S
PO BOX 9231
FARGO ND 58106-9231~~

ROBERT B RASCHKE
ASSISTANT US TRUSTEE
SUITE 1015 US COURTHOUSE
300 SOUTH FOURTH STREET
MINNEAPOLIS MN 55415-1320

SCOTT W WENTZ
HORAB WENTZ
PO BOX 1021
FARGO ND 58107-1021

PARTIES DESIGNATED AS "EXCLUDED" WERE NOT SERVED VIA U.S. FIRST CLASS MAIL OR REGISTERED MAIL ADDRESS
PARTIES WITH A '+' AND DESIGNATED AS "CM/ECF E-SERVICE" RECEIVED ELECTRONIC NOTICE THROUGH THE CM/ECF SYSTEM

DEBTOR

SHARON L ANTON
11470 33RD ST SW
DICKINSON ND 58601-9406

THOMAS FRANCIS MURTHA IV
MURTHA LAW OFFICE
PO BOX 1111
DICKINSON ND 58602-1111